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11 BERNARDINO COUNTY SHERIFF'S DEPARTMENT; DEPUTY  
12 MCKENZIE

13 UNITED STATES DISTRICT COURT

14 CENTRAL DISTRICT OF CALIFORNIA

15 ARMANDO BARAJAS, ) CASE NO. CV 09-08981 JAK (VBKx)  
16 )  
17 Plaintiff, ) **PROPOSED PROTECTIVE ORDER**  
18 )  
19 v. ) Honorable Judge John A. Kronstadt  
20 )  
21 COUNTY OF SAN )  
22 BERNARDINO, SAN ) Trial Date: September 30, 2014  
23 BERNARDINO SHERIFF'S )  
24 DEPARTMENT, SAN )  
25 BERNARDINO COUNTY )  
26 SHERIFF DEPUTY MCKENZIE, )  
27 JOHN DOE 1-10 )  
28 Defendants. )

29 Pursuant to Stipulation entered into by Plaintiff Armando Barajas  
30 and Defendants The County of San Bernardino Sheriff's Department and  
31 Deputy Colin McKenzie, through their respective counsel, and pursuant to

1 Local Rule 7-1 of the United States District Court for the Central District of  
2 California,

3 **IT IS ORDERED** that the following Protective Order shall govern  
4 the depositions of Sheriff Personnel in this action:

5 1. The depositions of any Sheriff Personnel will be taken in the  
6 City of San Bernardino either at County Counsel's Offices or the Sheriff's  
7 Department, to be determined following receipt of the deposition notice by  
8 County Counsel.

9 2. With respect to Sheriff Personnel, only the Depositions of  
10 Deputy Colin McKenzie, Lt. Hector Gomez, Deputy David Lara, Deputy  
11 Eric Justman, Nurse Beltz and Dr. Liong may be videotaped.

12 3. Any such video recording subject to this Protective Order shall  
13 be taken by the personal appearance of a videographer and shall not be  
14 "live streamed" or taken by any other mechanism other than a live  
15 recording taken by video in real time during the deposition.

16 4. The videotaped recordings of the deputies subject to this  
17 protective order will be deposited with Plaintiff's counsel following the  
18 completion of the deposition testimony and shall be marked as  
19 "Confidential Material."

20 5. Plaintiff Armando Barajas agrees that he will not view the  
21 video recordings of San Bernardino Sheriff Personnel, but is not limited in  
22 any way in his review of the written deposition transcripts.

23 6. Other than the Court (including court reporters, stenographic  
24 reporters and videographers, and court personnel), the "Confidential  
25 Material" (hereafter "Material") may be disclosed only to the four primary  
26 attorneys Richard W. Buckner, Natalie J. Schachner, Matthew R. Cowan,  
27 Brittany Rogers, and one paralegal, Karen Ezell, working on this matter  
28 at O'Melveny & Myers LLP, counsel for Armando Barajas. Plaintiff's legal

1 staff, referenced above, agrees that the videos of Sheriff Personnel will  
2 not be disclosed to Barajas or to any other person without the prior written  
3 stipulation of Defendants or authorization from the Court.

4 7. The Material shall be used solely in connection with this  
5 litigation in the preparation and trial of this case, and not for any other  
6 purpose or litigation. To the extent material that is a subject matter of this  
7 protective order is disclosed before trial, it is subject to the terms of this  
8 protective order. To the extent Barajas's counsel seeks to use the  
9 material at trial or public hearing in this action, it will not be subject to the  
10 terms of the protective order, but rather such use shall be determined by  
11 the trial judge.

12 8. At the conclusion of the trial or upon other termination of this  
13 litigation, the Confidential Material shall be immediately destroyed except  
14 for any portion of the material necessary to maintain an appellate record.

15 9. The foregoing is without prejudice to the right of any parties:

16 a) to apply to the Court for a further protective order relating to  
17 any confidential material, or relating to discovery in this litigation;

18 b) to apply to the Court for an order removing the "Confidential  
19 Material" designation from the videotape;

20 c) to apply to the Court for an order compelling videotaped  
21 depositions or modification of this order or for any order permitting  
22 disclosure of confidential material beyond the terms of this order.

23  
24 Dated: April 30, 2014

\_\_\_\_\_/s/\_\_\_\_\_  
VICTOR B. KENTON  
UNITED STATES MAGISTRATE JUDGE